

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 19TH JULY 2006 / 28TH ASHADHA,1928

Bail Appl..No. 4329 of 2006

ST.783/2005 of J.M.F.C.,CHITTUR

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PETITIONER/ACCUSED:

EASWARAN, S/O. MUTHUSWAMY
AGED 53 YEARS, S. MALAYANDIPATANAM,
SEELAKAMPATTI POST, POLLACHI TALUK,
COIMBATORE DISTRICT, TAMIL NADU.

BY ADV. SRI.RAJESH SIVARAMANKUTTY
SMT.P.M.TINCY

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 19/07/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M.JAMES, J.

B.A.4329/2006

DATED THIS THE 19TH DAY OF JULY, 2006

O R D E R

The petitioner is the accused, in S.T.No.783/2005 of Judicial Magistrate of First Class, Chittur. He is a teacher at Pollachi in Koyambathoor District of Tamil Nadu. He could not obtain leave to answer the allegation, under Section 138 of the Negotiable Instruments Act, in short 'the Act'. Therefore, a nonailable warrant had been issued against him. Hence he is before this Court, under Section 438 Cr.P.C.

2. The learned counsel Mr. Rajesh Sivaramankutty submitted that the petitioner is prepared to surrender before the Court below and the arrest may be averted, as a nonailable warrant is pending against him.

3. In such circumstances, I direct the petitioner to surrender before the Judicial Magistrate of First Class, Chittur, on 22.7.2006 at 11.00 a.m., and move an application for bail, in which event, the learned

Magistrate shall allow him to continue to be on bail, imposing such conditions, which are deemed necessary, for the just completion of the trial.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrCS